

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA

BRUCE FARLOW,

Debtor,  
vs.

Chapter 7 Bankruptcy

Case No.: 8:18-bk-06677-MGW

JOHN D. GENTIS, SHALIMAR MHP, LLC,  
a Florida limited liability company, and GFB  
PARTNERS, LLLP, a Florida limited liability  
limited partnership,

Plaintiffs,  
vs.

BRUCE FARLOW,

Defendant,  
vs.

Adversary Proceeding No.:  
8:18-AP-00575-MGW

COLDWELL BANKER RESIDENTIAL  
REAL ESTATE, LLC

Garnishee,

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**GARNISHEE'S ANSWER TO CONTINUING WRIT OF GARNISHMENT**

Garnishee, Coldwell Banker Residential Real Estate, LLC ("Garnishee"), by and through its undersigned attorney, hereby answers the Writ of Garnishment ("Writ") as follows:

1. At the time of service of the Writ and at the time of this answer, and at all times in between, the Defendant, Bruce Farlow ("Defendant") was not an employee of Garnishee, but is rather an independent contractor real estate sales associate affiliated with Garnishee.

2. Garnishee does not pay Defendant a salary or an hourly/periodic wage. Rather, as an independent contractor real estate sales associate affiliated with Garnishee, Defendant receives a percentage of commissions from real estate transactions in which Defendant is involved. Such payments to Defendant are irregular in nature and are only made upon receipt of such commissions by Garnishee.

3. From the time of the service of the Writ to the time of this Answer, Garnishee has not been obligated to Defendant for any commissions or other compensation. Garnishee will withhold 25% of any commissions otherwise payable to Defendant until the principal amount set forth in the Writ is has been withheld or until further Order of the Court directing the amount and recipient of funds being withheld.

4. Garnishee is entitled to an award of reasonable attorneys' fees pursuant to section 77.28, Florida Statutes (1997).

WHEREFORE, Garnishee, Coldwell Banker Residential Real Estate, LLC having fully answered the Writ, hereby requests entry of an Order directing a percentage/amount to be withheld by Garnishee from Defendant's future commissions and to whom such funds shall be disbursed, and that Garnishee be awarded its costs and expenses, including a reasonable attorney's fee. Garnishee requests the Clerk to disburse the \$100.00 attorneys' fee deposited by Plaintiff pursuant to section 77.28, Florida Statutes to Garnishee as ordered by the Court.

**I HEREBY CERTIFY** that I am admitted to the Bar of the United States District Court for the Middle District of Florida and I am in compliance with the additional qualifications to practice in this Court as set forth in Local Rule 2090-1(A).

**Certificate of Service**

**I HEREBY CERTIFY** that on this 26<sup>th</sup> day of November, 2019, I electronically filed the foregoing document with the Clerk of Court using CM/ECF and that a true and correct copy of the foregoing was served via CM/ECF electronic transmission upon those parties who are registered with the Court to receive notification in this matter and by email to Drew Clayton, Esq., attorney for Plaintiff [dclayton@jcardmerill.com]

Respectfully submitted,

/s/ David H. Haft

David H. Haft

Florida Bar Number: 68992

In-house Counsel for

Coldwell Banker Residential Real Estate, LLC

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